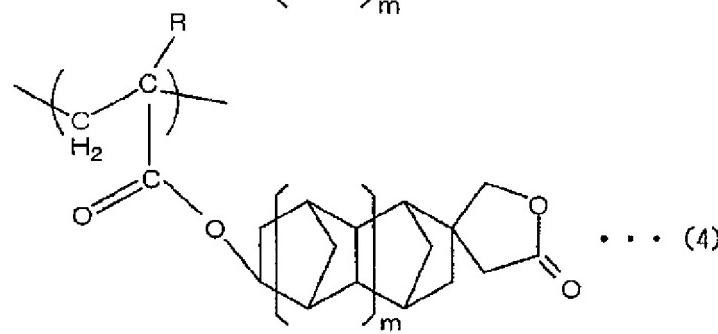
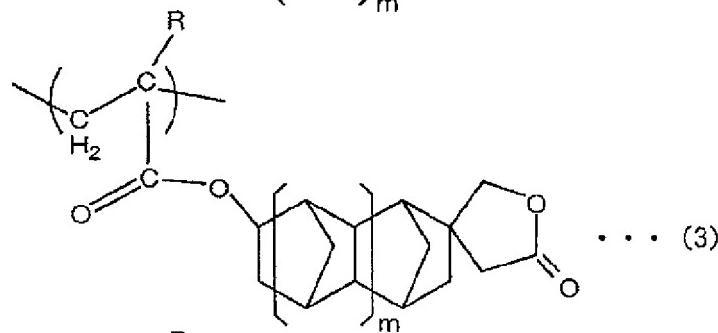
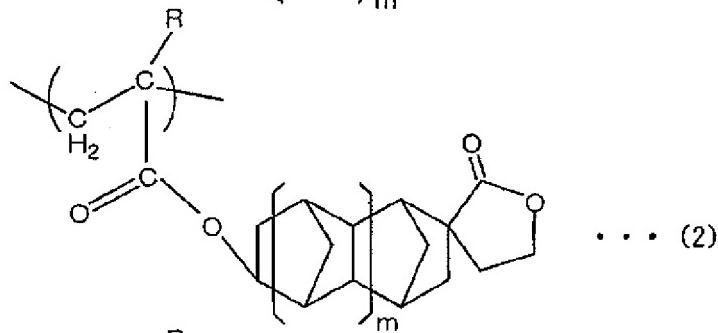
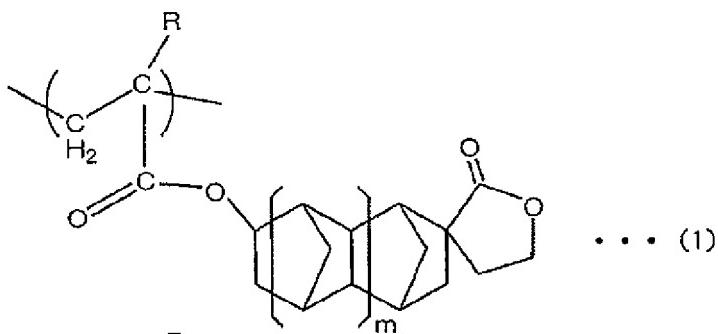
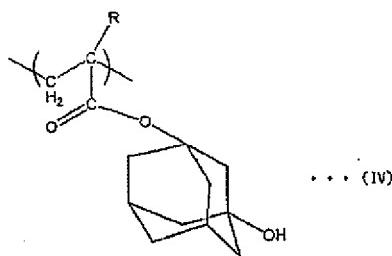


## AMENDMENTS TO THE CLAIMS

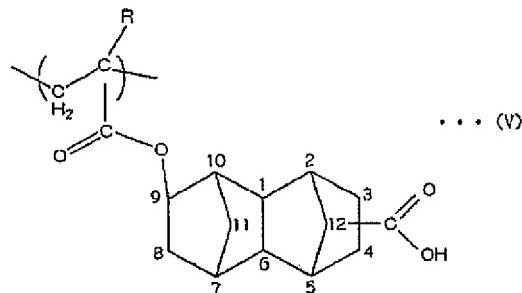
1. **(Currently amended)** A polymer comprising at least one structural unit (a1) containing a lactone represented by one of general formulas (1) through (4) shown below[[::]], and a structural unit (a3) which contains a hydroxyl group and is derived from a (meth)acrylate ester:



(wherein, in said formulas (1) to (4), R represents a hydrogen atom or a methyl group, and m is either 0 or 1), wherein said structural unit (a3) is one or two units selected from a group consisting of general formulas (IV) and (V) shown below:



(wherein, R represents a hydrogen atom or a methyl group)

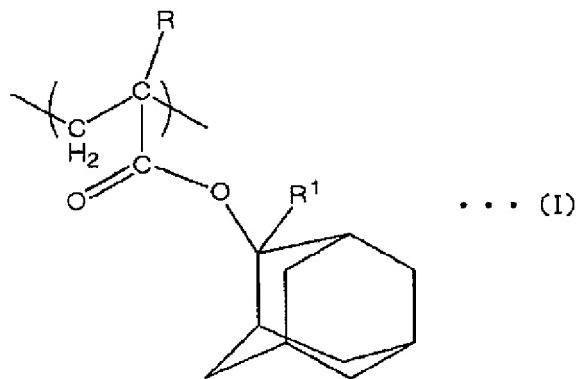


(wherein, R represents a hydrogen atom or a methyl group).

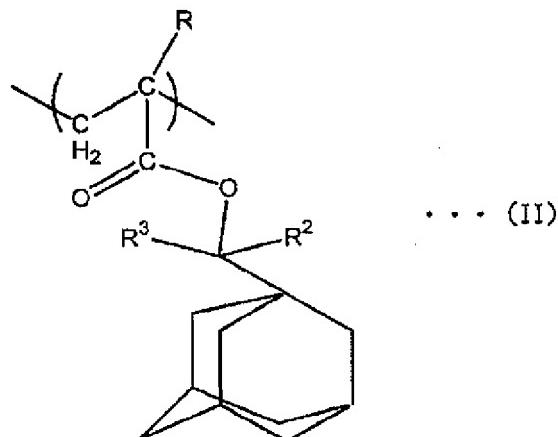
2. **(Original)** A polymer according to claim 1, wherein said structural unit (a1) accounts for 30 to 60 mol% of a combined total of all structural units.

3. **(Original)** A polymer according to claim 1, further comprising a structural unit (a2), which contains an acid dissociable, dissolution inhibiting group, and is derived from a (meth)acrylate ester.

4. **(Original)** A polymer according to claim 3, wherein said structural unit (a2) is at least one unit selected from a group consisting of general formulas (I), (II), and (III) shown below:

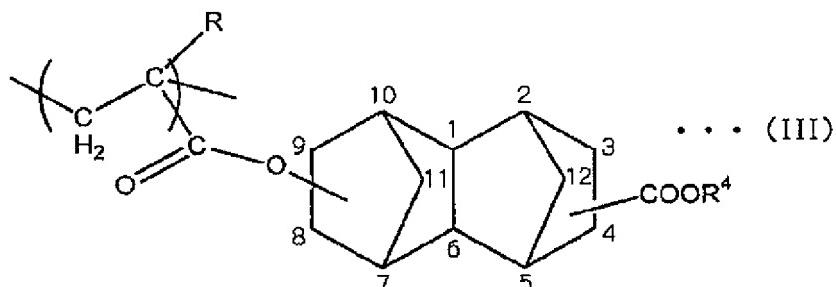


(wherein, R represents a hydrogen atom or a methyl group, and R<sup>1</sup> represents a lower alkyl group)



(wherein, R

represents a hydrogen atom or a methyl group, and R<sup>2</sup> and R<sup>3</sup> each represent, independently, a lower alkyl group)



(wherein,

R represents a hydrogen atom or a methyl group, and R<sup>4</sup> represents a tertiary alkyl group).

5. (Original) A polymer according to claim 3, wherein said structural unit (a2) accounts for 20 to 60 mol% of a combined total of all structural units.

6. (Cancelled)

7. (Cancelled)

8. (Currently amended) A polymer according to claim 6 1, wherein said structural unit (a3) accounts for 10 to 50 mol% of a combined total of all structural units.

9. **(Original)** A polymer according to claim 1, wherein said polymer exhibits increased alkali solubility under action of acid, and is used within a positive resist composition.

10. **(Original)** A positive resist composition, comprising a resin component (A), an acid generator component (B) that generates acid on exposure, and an organic solvent (C), wherein

said component (A) comprises a polymer according to claim 9.

11. **(Original)** A positive resist composition according to claim 10, wherein said component (B) is an onium salt with a fluorinated alkylsulfonate ion as an anion.

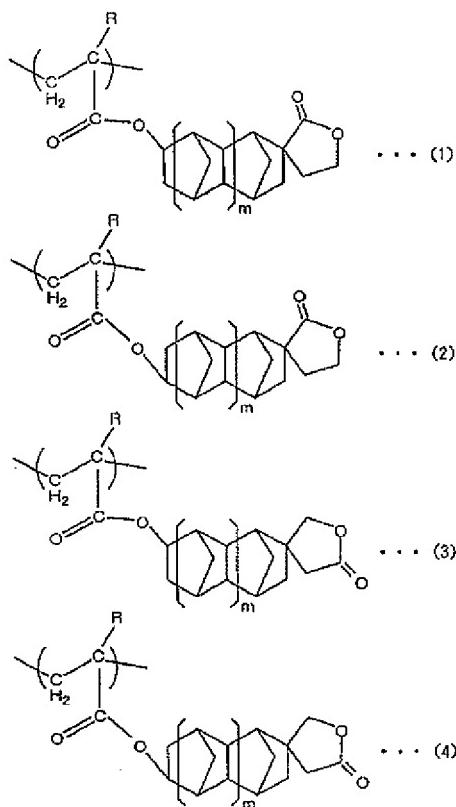
12. **(Original)** A positive resist composition according to claim 10, wherein said component (C) is a mixed solvent of propylene glycol monomethyl ether acetate and a polar solvent.

13. **(Original)** A positive resist composition according to claim 12, wherein said polar solvent is ethyl lactate.

14. **(Original)** A positive resist composition according to claim 10, further comprising an amine (D).

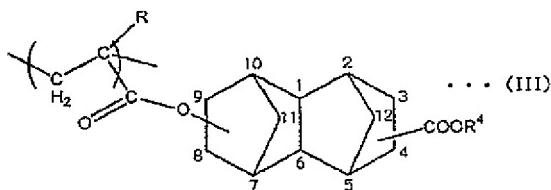
15. **(Previously presented)** A method for forming a resist pattern, comprising the steps of applying a positive resist composition according to claim 10 to a substrate, conducting a prebake, performing selective exposure, conducting PEB (post exposure baking), and performing alkali developing to form a resist pattern.

16. **(New)** A polymer comprising at least one structural unit (a1) containing a lactone represented by one of general formulas (1) through (4) shown below, and a structural unit (a2) which contains an acid dissociable, dissolution inhibiting group and derived from a (meth)acrylate ester:



(wherein, in said formulas (1) to (4), R represents a hydrogen atom or a methyl group, and m is either 0 or 1),

wherein said structural unit (a2) is a unit represented by a general formula (III) shown below:



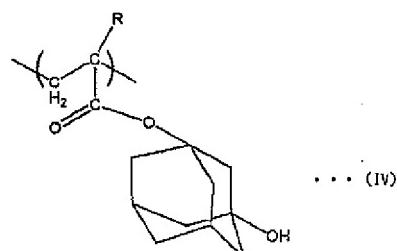
(wherein, R represents a hydrogen atom or a methyl group, and R<sup>4</sup> represents a tertiary alkyl group).

17. (New) A polymer according to claim 16, wherein said structural unit (a1) accounts for 30 to 60 mol% of a combined total of all structural units.

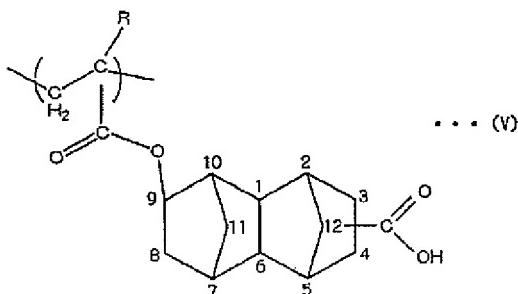
18. (New) A polymer according to claim 16, wherein said structural unit (a2) accounts for 20 to 60 mol% of a combined total of all structural units.

19. (New) A polymer according to claim 16, further comprising a structural unit (a3), which contains a hydroxyl group and is derived from a (meth)acrylate ester.

20. (New) A polymer according to claim 19, wherein said structural unit (a3) is one or two units selected from a group consisting of general formulas (IV) and (V) shown below:



(wherein, R represents a hydrogen atom or a methyl group)



(wherein, R represents a hydrogen atom or a methyl group).

21. (New) A polymer according to claim 19, wherein said structural unit (a3) accounts for 10 to 50 mol% of a combined total of all structural units.

22. (New) A polymer according to claim 16, wherein said polymer exhibits increased alkali solubility under action of acid, and is used within a positive resist composition.

23. (New) A positive resist composition, comprising a resin component (A), an acid generator component (B) that generates acid on exposure, and an organic solvent (C), wherein said component (A) comprises a polymer according to claim 22.

24. (New) A positive resist composition according to claim 23, wherein said component (B) is an onium salt with a fluorinated alkyl sulfonate ion as an anion.

25. (New) A positive resist composition according to claim 23, wherein said component (C) is a mixed solvent of propylene glycol monomethyl ether acetate and a polar solvent.

26. (New) A positive resist composition according to claim 25, wherein said polar solvent is ethyl lactate.

27. (New) A positive resist composition according to claim 23, further comprising an amine (D).

28. (New) A method for forming a resist pattern, comprising the steps of applying a positive resist composition according to claim 23 to a substrate, conducting a prebake, performing selective exposure, conducting PEB (post exposure baking), and performing alkali developing to form a resist pattern.